

MAY - 4 2004



U.S. Department  
of Transportation

400 Seventh Street, S.W.  
Washington, D.C. 20590

**Research and  
Special Programs  
Administration**

DOT-E 8230  
(NINTH REVISION)

EXPIRATION DATE: January 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: EMD Chemicals, Inc.  
Cincinnati, OH  
(FORMER GRANTEE: Fisher Scientific Company,  
L.L.C.)

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of Packing Group I and II nitric acids in certain combination packagings. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.158(e), (f), (g) and (h) in that certain inner and intermediate packagings are not authorized, except as specified herein.

5. BASIS: This exemption is based on the application of EMD Chemicals, Inc. dated February 3, 2004, submitted in accordance with § 107.109.

MAY - 4 2004

Continuation DOT-E 8230 (9th Rev.)

Page 2

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description -- proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Nitric acid, other than red fuming, with more than 70 percent nitric acid.	8	UN2031	I
Nitric acid, other than red fuming, with not more than 70 percent nitric acid.	8	UN2031	II

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. The following combination packagings are authorized:

Inner packaging:

A plastic ("fluorinated ethylene-propylene" [FEP] polymers, "perfluoroalkoxy" [PFA] polymers or similar materials) bottle with lined screw closure meeting the compatibility requirements of § 173.24(e) and having a net capacity not greater than 2.5 liters (0.66 gallon) each. The wall thickness of the bottle must not be less than 0.020".

Intermediate packaging:

1.) A tightly closed rigid-foam plastic receptacle each containing one inner packaging; or

2.) A plastic bag containing one inner packaging and placed inside a heavy-wall polypropylene bag lined with polypropylene absorbent material of sufficient capacity to completely absorb the liquid contents of each inner package. Both bags must be tightly sealed with either plastic tape, a wire tie or a cable tie.

Outer packaging:

Specification 4G fiberboard box.

b. The completed package must meet the testing

MAY - 4 2004

Continuation DOT-E 8230 (9th Rev.)

Page 3

requirements at the Packing Group I or II performance level, as appropriate.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. MARKING - Each package must be marked "DOT-E 8230" as specified in § 172.301(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo only aircraft (See Paragraph 10.b.).

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel and cargo-only aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

b. When offered for transportation or transported by cargo-only aircraft, inner packagings for nitric acids in Packing Group I may not exceed 1 liter (0.3 gallon) net capacity per package.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

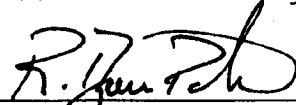
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

  
Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

MAY - 4 2004  
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.  
Attention: DHM-31.

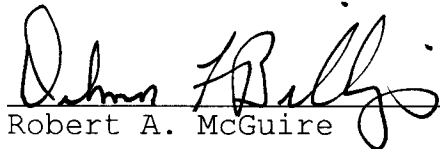
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM

**MAY 2 1 2004**

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Fisher Scientific Company, LLC Pittsburgh, PA	May 6, 2004	<b>MAY 2 1 2004</b>	Jan 31, 2006
Mallinckrodt Baker, Inc. Phillipsburg, NJ	Feb 04, 2004	Mar 10, 2004	Jan 31, 2006
Seastar Chemicals, Inc. Sidney, BC (U.S. Agent: Seastar Chemicals, Inc. Bellingham, WA)	Feb 11, 2004	Mar 10, 2004	Jan 31, 2006



Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety